

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 2, 2006
Date

Committee on Transportation.

After consideration on the merits, the Committee recommends the following:

HB06-1003 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend reengrossed bill, page 4, line 2, after "Statutes," insert "as
2 amended by Senate Bill 06-078, enacted at the Second Regular Session
3 of the Sixty-fifth General Assembly,".

4 Page 16, line 15, after the second "TO", insert "AND RECORDED BY".

5 Page 17, line 5, after "INTEREST", insert "AND MAP OF THE THREE-MILE
6 CORRIDOR".

7 Page 18, line 8, after "HIGHWAY", insert "PROJECT".

8 Page 20, after line 3, insert the following:

9 "SECTION 2. 38-2-101 (2), (3), and (4), Colorado Revised
10 Statutes, as enacted by Senate Bill 06-115, enacted at the Second Regular
11 Session of the Sixty-fifth General Assembly, are amended, and the said
12 38-2-101 is further amended BY THE ADDITION OF A NEW
13 SUBSECTION, to read:

14 **38-2-101. Who may condemn real estate, rights-of-way, or**
15 **other rights - additional requirements for private toll roads and toll**
16 **highways.** (2) Notwithstanding the provisions of subsection (1) of this
17 section, a corporation formed for the purpose of constructing a private toll
18 road or toll highway COMPANY may not condemn real estate or
19 right-of-way, but the department of transportation may exercise, subject

1 to the conditions and limitations set forth in sections 7-45-104 and
2 43-1-1202 (1) (f), C.R.S., the power of eminent domain ~~in connection~~
3 ~~with a toll road or toll highway project~~ FOR PURPOSES OF ACQUIRING
4 PROPERTY AND RIGHTS-OF-WAY NECESSARY FOR THE COMPLETION OF A
5 TOLL ROAD OR TOLL HIGHWAY OPEN TO THE PUBLIC THAT IS
6 INCORPORATED INTO THE COMPREHENSIVE STATEWIDE TRANSPORTATION
7 PLAN PREPARED PURSUANT TO SECTION 43-1-1103 (5), C.R.S., AND IS
8 being undertaken as a public-private initiative between the department
9 and ~~such a corporation~~ THE COMPANY. Such a ~~corporation~~ TOLL ROAD OR
10 TOLL HIGHWAY COMPANY shall, within six months after the date of ~~its~~
11 ~~incorporation~~ FILING OF ITS FILED FORMATION DOCUMENT, file and record
12 with the county clerk and recorder of each county through which any
13 portion of the proposed toll road or toll highway will pass a map or survey
14 of the proposed route of the toll road or toll highway. The ~~corporation~~
15 TOLL ROAD OR TOLL HIGHWAY COMPANY shall include with the map or
16 survey a statement of the proposed route of the toll road or toll highway,
17 within three miles, and a listing of all property over or across which the
18 proposed toll road or toll highway will be constructed, and shall file and
19 record supplementary maps, surveys, statements, and listings upon any
20 lawful change of the proposed route of the toll road or toll highway.

21 (3) Nothing in this section shall be construed to authorize any
22 ~~corporation~~ TOLL ROAD OR TOLL HIGHWAY COMPANY to construct a
23 ~~private~~ toll road or toll highway through, in, upon, under, or over any
24 street or alley of any city, incorporated town, county, or city and county
25 without first obtaining the consent of the municipal or county authorities
26 having power to give the consent of the city, incorporated town, county,
27 or city and county.

28 (4) (a) A political subdivision may levy a tax, fee, or charge ON A
29 TOLL ROAD OR TOLL HIGHWAY COMPANY for any right or privilege of
30 constructing or operating a ~~private~~ toll road or toll highway such as a
31 street or public highway construction permit fee or an impact fee or other
32 similar development charge designed to fund expenditures by the political
33 subdivision on capital facilities needed to serve the toll road or toll
34 highway, but shall only levy a construction permit fee to the extent that
35 the permit fee applies to all persons seeking a construction permit.

36 (b) All permit fees, impact fees, or other similar development
37 charges levied by a political subdivision on a ~~corporation~~ TOLL ROAD OR
38 TOLL HIGHWAY COMPANY constructing or operating a ~~private~~ toll road or
39 toll highway shall be no greater than necessary to defray the costs directly

1 incurred by the political subdivision in providing services, and, in the case
2 of impact fees or other development charges, shall be no greater than
3 necessary to defray impacts directly related to the toll road or toll
4 highway. The fees and charges shall also be reasonably related in time to
5 the incurrence of the impacts or costs. In any controversy concerning the
6 appropriateness of a fee or charge, the political subdivision shall have the
7 burden of proving that the fee or charge is no greater than necessary to
8 defray the direct impacts or costs incurred by the political subdivision.
9 All costs of construction shall be borne by the ~~corporation~~ TOLL ROAD OR
10 TOLL HIGHWAY COMPANY constructing or operating the toll road or toll
11 highway.

12 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (a) "FILED FORMATION DOCUMENT" SHALL HAVE THE MEANING SET
15 FORTH IN SECTION 7-45-102 (7), C.R.S.

16 (b) "TOLL ROAD OR TOLL HIGHWAY" SHALL HAVE THE MEANING
17 SET FORTH IN SECTION 7-45-102 (8), C.R.S.

18 (c) "TOLL ROAD OR TOLL HIGHWAY COMPANY" SHALL HAVE THE
19 MEANING SET FORTH IN SECTION 7-45-102 (9), C.R.S."

20 Renumber succeeding sections accordingly.

21 Page 20, line 12, strike "AS";

22 line 14, strike "AS".

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